

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

Light Field Lab,

Plaintiff(s),

V.

Alan Jones,

Defendant.

Case Number: 5:23-CV-05344-NC

ADMINISTRATIVE MOTION AND [PROPOSED] ORDER TO CHANGE DEADLINE FOR FILING AND PROVIDE ACCOMMODATIONS

1. If my understanding of court procedures and rules is correct, a response to Plaintiff's claims is currently due on December 4th 2023.
2. I respectfully request the court change this date to January 21st 2024.
3. I have not already asked the court to extend this deadline.
4. This change is necessary because I am a Pro Se defendant with no prior litigation experience and the issues in this case have significant complexity (well beyond what is acknowledged in Plaintiff's motion). The holidays have limited my access to resources to help with educating myself on the court's procedures, results, and the laws applicable to the case (For example the San Jose Pro Se Program has been closed the entire week of Thanksgiving and the other Northern District Pro Se Program instructed me to wait for it to reopen). My current employer is launching our product during December and as such my work responsibilities are even more significant than usual. I am the sole income provider for my family and as such interference with my work is heavily onerous.
5. While this extension would impact the current case management order, at the same time as this filing I have submitted to decline Magistrate Judge Jurisdiction; as such

rescheduling will already be occurring, so having this extension in place when that occurs will prevent the courts needing to perform that scheduling twice.

6. Plaintiff's counsel has previously agreed in email communications to a change of date, but become defunctive and then unresponsive when I sought to have that agreement filed with the court (See Exhibit A). Additionally, I have since learnt that I am not beholden to their opinion of a reasonable timeframe, and so did not need to agree to such a short timeframe with them; as such I'm requesting one that I hope, but cannot be sure given my inexperience, will be adequate for me to sufficiently familiarize myself with the laws involved to provide a substantive defense.

7. With relation to accommodations, I seek the court's permission that for all matters related to this case I am permitted to engage in them remotely via Zoom videoconference. While not mentioned in Plaintiff's filing, but fundamental to this case, I am a Type 1 Diabetic, which is a protected class under the ADA. As a result of this disability, the risk to my health of contracting COVID is especially acute. In addition to the risk present of attending proceedings in person, as I reside in Washington State I would be forced to travel, eat, sleep, and engage constantly in venues which present high risk to me, with each and every exposure increasing cumulative risk.

I declare under penalty of perjury that the above statements are true and correct.

Respectfully Submitted,

Date: 11/22/2023

Signature: 

Printed Name: Alan Jones

Pro Se

Good cause appearing, the motion is GRANTED. The Case Management Conference is rescheduled to [date] _____ at [time] _____.

IT IS SO ORDERED.

Date: _____

[For Judge] _____

[Judge's Name] _____

United States District/Magistrate Judge

EXHIBIT A

Alan Jones

 Wed, Nov 15 • 12:38

Easley, Catherine

 Wed, Nov 15 • 12:38

Peden, Patricia L.

 Thu, Nov 16 • 12:43

Alan Jones

 Fri, Nov 17 • 08:57

Modarresi, Ghazaleh

 Fri, Nov 17 • 08:57

Peden, Patricia L.

PPeden@bwsllaw.com

to: alan@jones.how + 2 ▼

 Fri, Nov 17, 2023 • 09:08

RE: Light Field Lab v Alan Jones, Case No. 5:23-cv-05344-NC

Mr. Jones:

I understand that you are representing yourself, but in doing so you must inform yourself of the rules. The Rule 26(f) conference is required. It must occur before the case management conference. The deadline is set by the federal and local rules. The parties are not excused from having the conference because there are pending motions.

Please provide a time on the dates requested. If you do not, we will file our report without including you. We will let the court know that you refused to participate.

Regards,

Patty

From: Alan Jones <alan@jones.how>

Sent: Friday, November 17, 2023 8:57 AM

To: Peden, Patricia L. <PPeden@bwsllaw.com>

Cc: Easley, Catherine <CEasley@bwsllaw.com>; Modarresi, Ghazaleh
<GModarresi@bwsllaw.com>

Subject: RE: Light Field Lab v Alan Jones, Case No. 5:23-cv-05344-NC

[EXTERNAL]

Hi Patty,

We can discuss potential timing of our 26(f) conference around the time all motions have been heard, perhaps prior, but definitely not prior to your filing the agreed upon time extension with the court.

Regards,

Alan.

Nov 16, 2023, 12:43 by PPeden@bwsllaw.com:

| ...

Alan Jones

 Wed, Nov 15 • 12:38

Easley, Catherine

 Wed, Nov 15 • 12:38

Peden, Patricia L.

PPeden@bwsllaw.com

to: alan@jones.how + 2 ▼

 Thu, Nov 16, 2023 • 12:43

RE: Light Field Lab v Alan Jones, Case No. 5:23-cv-05344-NC

Mr. Jones:

I write to schedule the telephone conference required by Federal Rule of Civil Procedure 26(f). Can you please provide a one-hour block of time on either December 18 or 19th that you are available for the call. Once I know your availability, I will send a calendar invite.

Regards,

Patty

From: Alan Jones <alan@jones.how>

Sent: Wednesday, November 15, 2023 12:38 PM

To: Peden, Patricia L. <PPeden@bwsllaw.com>

Cc: Easley, Catherine <CEasley@bwsllaw.com>; Modarresi, Ghazaleh
<GModarresi@bwsllaw.com>

Subject: RE: Light Field Lab v Alan Jones, Case No. 5:23-cv-05344-NC

[EXTERNAL]

Hi Patricia,

I agree to the new stipulated deadline to file my response and if you prefer to have a stipulation to be filed with the court I will consent to that stipulation.

Regards,

Alan

Nov 14, 2023, 09:12 by PPeden@bwsllaw.com:

Mr. Jones:

It is your obligation to correctly calculate your response deadline. I will not provide you with legal advice.

We agree to an extension of time to provide your responsive pleading up to and including December 22, 2023. If you do not file by the deadline, we will move for a default judgment.

Regards,

Patty